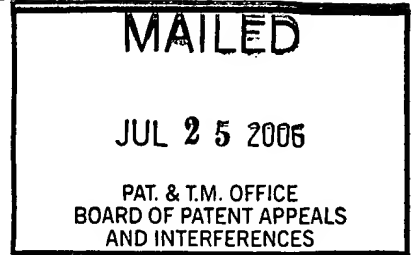


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_



Ex parte DAVID MICHAEL KOELLE and BRIAN JAMES TARBOX  
\_\_\_\_\_

Application No. 09/895,231  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences on July 24, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On December 8, 2005, the examiner mailed an examiner's answer. In the Evidence Relied Upon section, paragraph (8), the examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that a reference was applied to the statement of rejections in the Grounds of Rejection section, paragraph (9), of the examiner's answer. Before further review, the examiner must

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submit a revised examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See Manual of Patent Examining Procedure § 1207.02. Appropriate correction is required. Accordingly, it is

**ORDERED** that this application be returned to the examiner for: 1) the issuance of a revised Examiner's Answer, having the missing references listed under the Evidence Relied Upon section, paragraph (8); and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

Dale M. Shaw

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